

EXHIBIT A

IN THE CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

SHEILA L. CLARK,

Plaintiff,

v.

Civil Action No: 14-C-893
(Judge 1st F. JANE HUSTEAD)

AM EAST, LLC,

Defendant.

SUMMONS

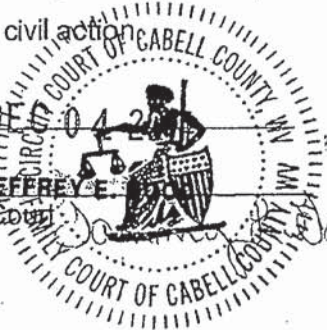
AM East, LLC
CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313

To the above-named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon J. Michael Ranson, plaintiff's attorney, whose address is Post Office Box 3589, Charleston, West Virginia, 25336-3589, an answer, including any related counterclaim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: DEC 04 2014

1st JEFFREY E. WALLACE
Clerk of the Court



RECEIVED
OFFICE OF THE
CLERK OF THE
COURT
2014 DEC -9 PM 3:39
SECRETARY OF STATE
STATE OF WEST VIRGINIA

IN THE CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

SHEILA L. CLARK,

2014 DEC -4 P 3:05

Plaintiff,

v.

J.E. HOOD
CIRCUIT CLERK
COPY

Civil Action No: 14C-893
(Judge 1st F. JANE HUSTEAD)

AM EAST, LLC.
and ROANN LEONARD;

Defendant.

COMPLAINT

Plaintiff Sheila L. Clark alleges and states as follows:

1. Plaintiff Sheila L. Clark institutes these proceedings and invokes the jurisdiction of this Court to obtain injunctive relief of rehiring, back pay and any other legal or equitable relief as the Court deems appropriate, including general damages, as well as an award of reasonable attorney fees and costs, all arising from defendant AM East, LLC's discharge of plaintiff Sheila L. Clark, in violation of the "West Virginia Human Rights Act" (hereinafter "W.Va. Act"), Chapter 5, Article 11, et seq., West Virginia Code.
2. At all times relevant and material hereto, plaintiff Sheila L. Clark resided in Cabell County, West Virginia and was employed by defendant AM East, LLC at its Huntington, West Virginia location, in Cabell County, West Virginia.
3. At all times relevant and material hereto, defendant AM East, LLC was a Delaware corporation and is qualified to do business and doing business in West

Virginia, and further, AM East, LLC operates a place of business known as the Huntington, West Virginia location, in Cabell County, West Virginia and is within the jurisdiction of this Court.

4. At all times relevant and material hereto, defendant Roann Leonard was believed to be a citizen and resident of Columbus, Ohio, and at all times alleged herein acted in violation of the W.Va. Act by causing plaintiff Sheila L. Clark to be discharged because of the plaintiff's Age.
5. It is the public policy of the State of West Virginia to provide all of its citizens equal opportunity for employment. It is a human right or a civil right of plaintiff Sheila L. Clark not to be discharged because of Age.
6. The discharge of plaintiff Sheila L. Clark, who was properly qualified to be retained by the defendant AM East, LLC, because of Age is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.
7. Plaintiff, Sheila L. Clark, a Caucasian, female was born on July 17, 1948 and is within the group protected by the W.Va. Act.
8. At all times relevant and material hereto, plaintiff Sheila L. Clark, was a citizen and resident of the State of West Virginia.
9. At all times relevant and material hereto, plaintiff Sheila L. Clark was employed

by defendant AM East, LLC, from on or about November 13, 1995, and was continuously thereafter employed until April 5, 2013. On that date, after 18 years of employment, plaintiff was discharged in violation of said W.Va. Act.

10. Defendant AM East, LLC's discharge of plaintiff Sheila L. Clark, age 64, was in whole or in part because of plaintiff's Age, and therefore, defendants AM East, LLC discriminated against plaintiff Sheila L. Clark on account of Age.
11. At all times material and relevant hereto, plaintiff properly performed the job duties as required by the defendant AM East, LLC.
12. As a direct and proximate result of defendants AM East, LLC's discharge of plaintiff Sheila L. Clark in violation of said W.Va. Act, plaintiff is entitled to an award of reinstatement to plaintiff's former employment, or in the alternative, front pay *in lieu* of reinstatement for the loss of future income and other pecuniary employment related benefits.
13. As a direct and proximate result of defendants AM East, LLC's discharge of plaintiff Sheila L. Clark in violation of said W.Va. Act, plaintiff is entitled to "back pay" and an award for emotional distress, embarrassment and mental anguish.
14. As a direct result of the willful and intentional acts of the defendant AM East, LLC, all of which violate the Public Policy of the State of West Virginia, the

plaintiff Sheila L. Clark is entitled to an award of punitive damages.

COUNT II

15. The preceding paragraphs are re-alleged as if restated herein.
16. At all times relevant and material hereto, defendant Roann Leonard is a resident of Columbus, Ohio and was the supervisor of the plaintiff Sheila L. Clark and further, is a person as defined by Chapter 5, Article 11, Section 9(A) of the West Virginia Code.
17. Defendant Roann Leonard was involved either directly, or indirectly, in the decision to terminate plaintiff Sheila L. Clark, by either making the final decision, or be recommending the termination of the plaintiff, all of which was motivated to take said adverse action because of plaintiff's Age.
18. Defendant Roann Leonard committed the act of informing plaintiff Sheila L. Clark that plaintiff was going to be terminated, all of which met the goal of defendant AM East, LLC to terminate plaintiff Sheila L. Clark because of plaintiff's Age.
19. The purpose of the acts of defendant Roann Leonard participating, either directly or indirectly, in the termination of plaintiff Sheila L. Clark and further, the act of carrying out the discriminatory acts of defendant AM East, LLC by notifying plaintiff of the termination was to cause plaintiff economic loss as set forth in 5-

11-9(A) of the West Virginia Code.

COUNT III

20. The preceding paragraphs are re-alleged as if restated herein.
21. Plaintiff, Sheila L. Clark institutes these proceedings and invokes the jurisdiction of this Court to obtain wages due, liquidated damages, interest and any other legal or equitable relief as the Court deems appropriate, including general damages, as well as an award of reasonable attorney fees and costs all arising from defendant AM East, LLC's failure to compensate plaintiff Sheila L. Clark in violation of the "West Virginia Wage Payment and Collection Act" (hereinafter "W.Va. Act"), Chapter 21, Article 5, *et seq.*, West Virginia Code.
22. At all times relevant and material hereto, plaintiff Sheila L. Clark was employed by defendant AM East, LLC.
23. At all times relevant and material hereto defendant AM East, LLC acted in violation of the W.Va. Act by failing to pay plaintiff Sheila L. Clark for wages earned as required by said Act.
24. It is the public policy of the State of West Virginia that every person, firm or corporation doing business in the State of West Virginia is to pay wages due to employees and the failure to do so is contrary to the principles of freedom and

equality of opportunity, and is destructive to a free and democratic society.

25. Plaintiff Sheila L. Clark began employment with defendant AM East, LLC on November 13, 1995, and was continuously employed thereafter until plaintiff's employment was terminated on April 5, 2013.
26. Whenever a person, firm or corporation **discharges an employee**, such person, firm or corporation shall pay the employee's wages and benefits in full within **seventy-two (72) hours. W. Va. Code § 21-5-4.**
27. Defendant AM East, LLC, in violation of said W.Va. Act, failed to pay plaintiff Sheila L. Clark, earned wages, due and owing, within seventy-two (72) hours of the termination of plaintiff's employment.
28. As a direct and proximate result of defendant's failure to pay the plaintiff, Sheila L. Clark, wages in violation of said W.Va. Act, the plaintiff is entitled to an award of the wages and benefits due, plus interest.
29. That as a direct and proximate result of defendant's failure to pay the plaintiff, Sheila L. Clark, wages in violation of said W. Va. Act, the plaintiff is entitled, in addition to the actual wages, liquidated damages in an **amount which was unpaid when due, for three times that unpaid amount as liquidated damages. W. Va. Code § 21-5-4(e).**
30. As a direct and proximate result of defendant AM East, LLC's failure to pay

plaintiff Sheila L. Clark wages, in violation of said W. Va. Act, plaintiff is entitled to reasonable attorney fees and costs.

WHEREFORE, the plaintiff Sheila L. Clark demands:

- a. Judgment against defendants for an amount equal to loss of all back pay and employment benefits, along with an award of either reinstatement to former employment, or for front pay *in lieu* of reinstatement;
- b. Compensatory damages for embarrassment, emotional distress and mental anguish in an amount to be set by the jury;
- c. Liquidated Damages;
- d. Punitive damages for the intentional and willful violation of the State Public Policy in an amount to be set by the jury;
- e. Award of attorney fees and costs; and
- f. Such further equitable and legal relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

SHEILA L. CLARK
By Counsel



J. Michael Ranson, WVSB # 3017
Cynthia M. Ranson, WVSB # 4983
RANSON LAW OFFICES
1562 Kanawha Blvd., East
Post Office Box 3589
Charleston, West Virginia 25336-3589
(304) 345-1990

G. Patrick Jacobs, Esquire State Bar #1867
Jacobs Law Offices
7020 MacCorkle Avenue, S.E.
Charleston, WV 25304
(800) 966-6593
Counsel for Plaintiff

EXHIBIT B

CASE NO. 14-C-893

OPENED 12/04/2014

JUDGE... JUDGE F. JANE HUSTEAD

PLAINTIFF. SHEILA L. CLARK
VS DEFENDANT. AM EAST, LLC, CT CORPORATION SYSTEM ET ALL

PRO ATTY.. J MICHAEL RANSON
DEF ATTY..

PAGE# DATE MEMORANDUM.....

00001 12/04/14 CIS, Complt, 20 dau Summs to Roan Leonard, 30 day Summs to
00002 12/04/14 Am East, LLC, Rtd to Atty for Srv tg
00003 12/15/14 ROS by SOS obo AM East, LLC 12/9/14 tw

A copy, Teste:



Sheila L. Clark

EXHIBIT C

CIVIL CASE INFORMATION STATEMENT
FILED
CIVIL CASES
IN THE CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

Plaintiff:

2014 DEC -4 P 3:04

Sheila L. Clark

Case Number

14-C-893

Judge

/s/ F. JANE HUSTEAD

Vs.

CIRCUIT CLERK

Defendant:

Days to Answer

Type of Service

AM East, LLC

30

WV Secretary of State

Roann Leonard

20

Original and [5] copies of the Complaint are furnished herein;

TYPE OF CASE

TORTS

- ☐ Asbestos
☐ Professional Malpractice
☐ Personal Injury
☐ Product Liability
☐ Other Tort

OTHER CIVIL

- ☐ Adoption
☐ Contract
☐ Real Property
☐ Mental Health
☐ Appeal admin. agency

- ☐ Appeal Mag. Court
☐ Pet. Modify Mag. Sent.
☒ Misc. Civil
☐ Other

JURY DEMAND : **Yes**

The case will be ready for trial: **December 2015**

Do you or any of your clients or witnesses in this case require special accommodations due to a disability or age? **No**

Attorney name: **J. Michael Ranson, WVSB # 3017**
Cynthia M. Ranson, WVSB # 4983
G. Patrick Jacobs, WVSB #1867

Representing: **Sheila L. Clark**

Law Firm **RANSON LAW OFFICES**
1562 Kanawha Blvd., East
Post Office Box 3589
Charleston, West Virginia 25336-3589 (304) 926-6676
(304) 345-1990

JACOBS LAW OFFICE
7020 MacCorkle Avenue, SE
Charleston, WV 25304

Date: **December 3, 2014** Signature: 

IN THE CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

FILED

SHEILA L. CLARK,

2014 DEC -4 P 3:12

Plaintiff,

v.

J.E. HOOD
CIRCUIT CLERK
CABELL COUNTY

Civil Action No: 14-C-893
(Judge /s/ F. JANE HUSTEAD)

AM EAST, LLC.
and ROANN LEONARD;

Defendant.

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- d. Punitive damages for the intentional and willful violation of the State Public Policy in an amount to be set by the jury;
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- f. Such further equitable and legal relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

SHEILA L. CLARK

By Counsel



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Cynthia M. Ranson, WVSB # 4983
RANSON LAW OFFICES
1562 Kanawha Blvd., East
Post Office Box 3589
Charleston, West Virginia 25336-3589
(304) 345-1990

G. Patrick Jacobs, Esquire State Bar #1867
Jacobs Law Offices
7020 MacCorkle Avenue, S.E.
Charleston, WV 25304
(800) 966-6593
Counsel for Plaintiff

IN THE CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

FILED

SHEILA L. CLARK,

2014 DEC -4 P 3:09

Plaintiff,

v.

COPY

J.E. HOOD
CIRCUIT CLERK
CABELL COUNTY

Civil Action No: 14-C-893
(Judge /s/ F. JANE HUSTEAD)

AM EAST, LLC,

Defendant.

SUMMONS

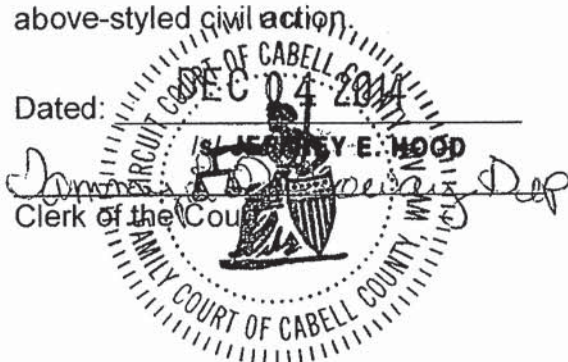
Roann Leonard
c/o AM East, LLC

To the above-named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon J. Michael Ranson, plaintiff's attorney, whose address is Post Office Box 3589, Charleston, West Virginia, 25336-3589, an answer, including any related counterclaim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **20 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

Clerk of the Court



- ☐ Service - Certified (RM)
- ☐ Service - Sheriff
- ☒ Returned to Atty. for Service
- ☐ Returned to Pltf. for Service

IN THE CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

FILED

SHEILA L. CLARK,

2014 DEC -4 P 3:04

Plaintiff,

v.

J. E. HOOD
CIRCUIT CLERK
CABELL COUNTY, WV

Civil Action No: 14-C-893
(Judge J. F. JANE HUSTEAD)

AM EAST, LLC,

Defendant.

SUMMONS

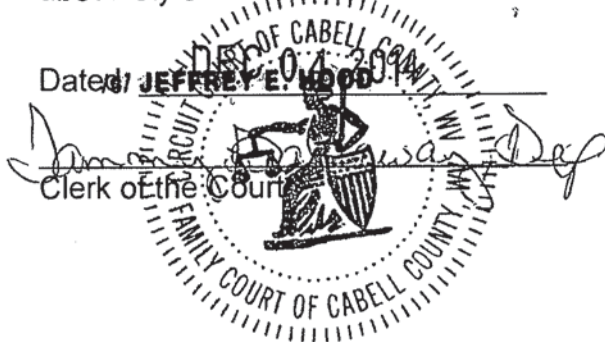
AM East, LLC
CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313

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Dated: 12/04/2014
JEFFREY E. HOOD

Clerk of the Court



- ☐ Service - Certified (RD)
- ☐ Service - Sheriff
- ☐ Returned to Atty. for Service
- ☐ Returned to Plff. for Service

NUMBER: 247427

December 04, 2014

Received of RANSON LAW OFFICES, PLLC

\$200.00

The exact sum of Two Hundred Dollars and No Cents

Plaintiff: SHEILA L. CLARK

Defendant: AM EAST, LLC, CT CORPORATION SYSTEM ET ALL

Payment type: Check Check# 12034

Case number: 14-C-893

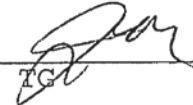
Div: 2

Transaction conducted at:

JEFFREY E. HOOD

HUNTINGTON WV

Deputy



DISTRIBUTION OF FUNDS...

1001 CLERKS FEES	20.00	2025 D V LEGAL SERVICES F	20.00
2003 REGIONAL JAIL AUTHOR	60.00	2006 COURT SECURITY FUND	5.00
2024 COURTHOUSE FACILITIE	30.00	2026 RJA PARTIAL REIMBURS	20.00
4004 FUND-LOW INCOME PERS	45.00		

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

FILED

2014 DEC 15 A 10:10

J.E. HOOD
CIRCUIT CLERK
CABELL CO., WV

Jeffrey E. Hood
Cabell County Courthouse
P. O. Box 545
Huntington, WV 25710-0545



Natalie E. Tennant

Secretary Of State
State Of West Virginia
Phone: 304-558-6000
866-767-8683
Visit us online:
www.wvsos.com

Control Number: 46709

Defendant: AM EAST, LLC
5400D BIG TYLER RD
CHARLESTON, WV 25313-1103 US

Agent: C. T. Corporation System

County: Cabell

Civil Action: 14-C-893

Certified Number: 92148901125134100000502637

Service Date: 12/9/2014

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

A handwritten signature in cursive script that reads "Natalie E. Tennant".

Natalie E. Tennant
Secretary of State

EXHIBIT D

AFFIDAVIT OF RICHARD THAMER

STATE OF TEXAS,

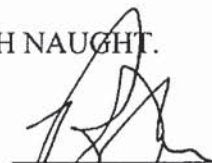
COUNTY OF RANDALL, to wit:

Before me, the undersigned authority, this day personally appeared Richard Thamer, who after being duly sworn on his oath, deposes and says:

1. My name is Richard Thamer and I am the Legal Counsel for Anderson Merchandisers, LLC. As such, I have personal knowledge of the matters contained in this Affidavit, including information regarding various entities affiliated with Anderson Merchandisers, LLC, including AM East, LLC.

2. AM East, LLC is a Delaware limited liability company with its principal place of business in Plano, Texas. Its members are Joel R. Anderson, a resident of Alabama, and Charles C. Anderson, Jr., a resident of Tennessee, and the Delaware ESBT Trust of Charlie C. Anderson Jr., and Terry Anderson, a resident of Alabama, and Clyde Anderson, a resident of Alabama, and Harold Anderson, a resident of Georgia, and Martin Abroms, a resident of Alabama, and Charles C. Anderson III, a resident of Texas, and the Charles C. Anderson III Delaware Trust, and the Delaware ESBT Trust of Jay Maier, and Bill Lardie, a resident of Texas. It does not have any other members and none of its members reside in West Virginia.

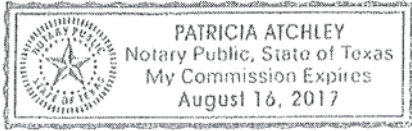
AND FURTHER THIS AFFIANT SAYETH NAUGHT.




RICHARD THAMER

Taken, subscribed and sworn to before me this 7 day of January, 2015.

My commission expires: 8-16-2017.



7403887v1



Notary Public